



Officers
Chair
Judith L. Lichtman
National Partnership for
Women & Families
Vice Chairs
Derrick Johnson
NAACP
Farhana Khera
Muslim Advocates
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund
Secretary
Fatima Goss Graves
National Women's Law Center
Treasurer
Lee A. Saunders
American Federation of State,
County & Municipal Employees

Board of Directors
Kimberly Churches
AAUW
Alphonso B. David
Human Rights Campaign
Rory Gamble
International Union, UAW
Jonathan Greenblatt
Anti-Defamation League
Mary Kay Henry
Service Employees International Union
Damon Hewitt
Lawyers' Committee for
Civil Rights Under Law
Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
David H. Inoue
Japanese American Citizens League
Benjamin Jealous
People for the American Way
Derrick Johnson
NAACP
Virginia Kase
League of Women Voters of the
United States
Samer E. Khalaf
American-Arab
Anti-Discrimination Committee
Marc Morial
National Urban League
Janet Murguía
UnidosUS
Debra L. Ness
National Partnership for
Women & Families
Christian F. Nunes
National Organization for Women
Rabbi Jonah Pesner
Religious Action Center
Of Reform Judaism
Rebecca Pringle
National Education Association
Lisa Rice
National Fair Housing Alliance
Anthony Romero
American Civil Liberties Union
Fawn Sharp
National Congress of American Indians
Maria Town
American Association of
People with Disabilities
Richard L. Trumka
AFL-CIO
Randi Weingarten
American Federation of Teachers
John C. Yang
Asian Americans Advancing Justice |
AAJC

Interim President & CEO
Wade Henderson

August 23, 2021

SUPPORT H.R. 4, JOHN LEWIS VOTING RIGHTS ADVANCEMENT ACT

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 200 undersigned organizations, we write in strong support of H.R. 4, the John Lewis Voting Rights Advancement Act.

In 1965, Congress passed the Voting Rights Act to outlaw racial discrimination in voting, and it became our nation's most successful and consequential civil rights law. Previously, many states barred Black voters from participating in the political system through literacy tests, poll taxes, voter intimidation, and violence. By outlawing the tests and devices that prevented people of color from voting, the Voting Rights Act and its prophylactic preclearance formula put teeth into the 15th Amendment's guarantee that no citizen can be denied the right to vote because of the color of their skin.

Only 15 years ago, Congress reauthorized the Voting Rights Act for the fourth time with sweeping bipartisan support. The House of Representatives reauthorized the legislation by a 390-33 vote and the Senate passed it unanimously, 98-0.¹ Given the importance of the Voting Rights Act, Congress undertook that reauthorization with care and deliberation — holding 21 hearings, hearing from more than 90 witnesses, and compiling a record of more than 15,000 pages of evidence of continuing racial discrimination in voting.

Shelby County v. Holder

In 2013, the U.S. Supreme Court's ruling in *Shelby County v. Holder* eviscerated the most powerful provision of the Voting Rights Act: the Section 5 preclearance system.² This provision applied to nine states and localities in another six states. These jurisdictions were required to obtain preclearance from the Justice Department or the U.S. District Court for the District of Columbia before implementing any change in a voting practice or procedure.

Section 5 was immensely successful in blocking proposed voting restrictions in states and localities with histories of racial discrimination. It also ensured that changes to voting rules were public, transparent, and evaluated to protect voters against discrimination based on race

¹ <https://www.congress.gov/bill/109th-congress/house-bill/9>

² *Shelby County v. Holder*, 570 U.S. 529 (2013).

and language. But in *Shelby County*, Chief Justice John Roberts on behalf of the majority declared that “Our country has changed.” The Court held that the formula identifying jurisdictions subject to preclearance was decades-old and outdated, functionally halting the preclearance requirement. However, the Court invited Congress to assess “current conditions” to update the formula for deciding which jurisdictions should be covered by preclearance.

Despite the best efforts of The Leadership Conference and its many member organizations to protect voting rights and promote civic participation, the impact of eight years of overt and covert anti-voter tactics has had a lasting impact. The Supreme Court’s invalidation of the preclearance formula released an immediate and sustained flood of new voting restrictions in formerly covered states. Without the Voting Rights Act’s tools to fight the most blatant forms of discrimination, people of color continue to face barriers to exercising their most important civil right, including voter intimidation, felon disenfranchisement laws built on top of a system of mass incarceration, burdensome and costly voter ID requirements, and purges from the voter rolls. States have also cut back early voting opportunities, eliminated same-day voter registration, and shuttered polling places.

The Leadership Conference commissioned several state reports that were prepared by our partner civil rights organizations and allies to document the breadth and depth of recent voting discrimination in 10 states across the country.³ These reports powerfully demonstrate that Congress has an urgent imperative to restore the Voting Rights Act. Individually and collectively, they reveal that voting discrimination after *Shelby County* is pervasive, persistent, and adaptive, sometimes taking new forms but no less pernicious. The reports document voter restrictions passed this year and cite the recent history of voting discrimination in these states. This is the “current discrimination” on which Congress must update the preclearance formula and make several additional amendments to the Voting Rights Act so voters of color everywhere can fully participate in the political process. All of the state reports have or will be introduced into the congressional record of the August 16, 2021 House Judiciary Committee hearing on *Oversight of the Voting Rights Act: Potential Legislative Reforms*.

Brnovich v. Democratic National Committee

Furthermore, just last month, the Supreme Court ruled in *Brnovich v. Democratic National Committee*⁴ that two discriminatory Arizona voting laws did not violate Section 2 of the Voting Rights Act. In its opinion in *Brnovich*, the Court disregards the congressional purpose of Section 2, which is to provide a powerful means to combat race discrimination in voting and representation. The majority departs from decades of precedent enforcing Section 2 according to Congress’ intent, and it creates new “guideposts” that will ineffectively identify and eradicate discriminatory policies and practices. The decision relies on a limited interpretation of the Voting Rights Act that will make it more difficult to challenge discriminatory voting laws. This decision reiterates the need for Congress to pass the John Lewis Voting Rights Advancement Act to restore the legislative purpose of Section 2.

³ The Leadership Conference commissioned state reports that documented on going voting discrimination in the following states: Alabama, Alaska, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.

⁴*Brnovich v. Democratic National Committee*, 141 S.Ct. 2321 (2021)

Evidence of the Need for the John Lewis Voting Rights Advancement Act

Discriminatory voting practices are not merely the province of those states with a long history of discrimination. Pernicious practices such as voter purging and restrictive identification requirements — which disproportionately affect voters of color — occur in states throughout the nation. As we commemorated the 56th anniversary of the Voting Rights Act earlier this month, it is important to note that [between January 1 and July 14, 2021](#), at least 18 states enacted 30 new laws that restrict our freedom to vote, and more than 400 bills with restrictive provisions have been introduced in 49 states in the 2021 legislative sessions.

During the 117th Congress, the Senate Committee on the Judiciary, House Committee on the Judiciary, and the Committee on House Administration have held a total of 14 hearings and found significant evidence that barriers to voter participation remain for people of color and language-minority voters.

The Senate Judiciary Committee has held three hearings on voting rights:

[***Restoring the Voting Rights Act after Brnovich and Shelby County \(July 14, 2021\)***](#); [***Supreme Court Fact-Finding and the Distortion of American Democracy \(April 27, 2021\)***](#); [***Jim Crow 2021: The Latest Assault on the Right to Vote \(April 20, 2021\)***](#).

The House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties has held six hearings on voting rights:

[***Oversight of the Voting Rights Act: Potential Legislative Reforms \(August 16, 2021\)***](#); [***The Need to Enhance the Voting Rights Act: Practice-Based Coverage \(July 27, 2021\)***](#); [***The Implications of Brnovich v. Democratic National Committee and Potential Legislative Responses \(July 16, 2021\)***](#); [***The Need to Enhance the Voting Rights Act: Preliminary Injunctions, Bail-in Coverage, Election Observers, and Notice \(June 29, 2021\)***](#); [***Oversight of the Voting Rights Act: A Continuing Record of Discrimination \(May 27, 2021\)***](#); [***Oversight of the Voting Rights Act: The Evolving Landscape of Voting Discrimination \(April 22, 2021\)***](#).

The House Administration Committee's Subcommittee on Elections has held five investigatory hearings with 35 witnesses, collected numerous reports and documents, and released a comprehensive [report](#).

[***Voting in America: A National Perspective on the Right to Vote, Methods of Election, Jurisdictional Boundaries, and Redistricting \(June 24, 2021\)***](#); [***Voting in America: The Potential for Polling Place Quality and Restrictions on Opportunities to Vote to Interfere with Free and Fair Access to the Ballot \(June 11, 2021\)***](#); [***Voting in America: The Potential for Voter ID Laws, Proof-of-Citizenship Laws, and Lack of Multi-Lingual Support to Interfere with Free and Fair Access to the Ballot \(May 24, 2021\)***](#); [***Voting in America: The Potential for Voter List Purges to Interfere with Free and Fair Access***](#)

[to the Ballot \(May 6, 2021\)](#); [Voting in America: Ensuring Free and Fair Access to the Ballot \(April 1, 2021\)](#).

The John Lewis Voting Rights Advancement Act Restores and Modernizes the Voting Rights Act

The Voting Rights Act of 1965 was passed with leadership from both the Republican and Democratic parties, and the reauthorizations of its enforcement provisions were signed into law each time by Republican presidents: President Nixon in 1970, President Ford in 1975, President Reagan in 1982, and President Bush in 2006. For more than half a century, protecting citizens from racial discrimination in voting has been bipartisan work.

The John Lewis Voting Rights Advancement Act fills a distinct and critical role in protecting the freedom to vote and ensuring elections are safe and accessible. When it comes to our elections, we all want an open and transparent process we can trust, where Americans have equal freedom to vote, whether we live in a small town or big city, or the coasts or the Midwest. Passage of the John Lewis Voting Rights Advancement Act will fulfill part of that promise of a democracy that works for — and includes — us all.

The John Lewis Voting Rights Advancement Act would restore the VRA in the following ways:

- ** The Act would update criteria under the “geographic trigger” for identifying states and localities required to obtain federal review of voting changes *before* they are implemented.
- ** Under the “practice-based” trigger, every state and locality nationwide that is sufficiently diverse would be required to obtain federal review before enacting specific types of voting changes that are known to be discriminatory in their use to silence the growing political power of voters of color.
- ** The Act would require all states and localities to provide public notice to all voters of certain voting changes.
- ** The Act would address the *Brnovich* decision by clarifying factors that voters of color can use to prove a vote dilution or vote denial claim under Section 2 of the VRA and restoring voters’ full ability to challenge racial discrimination in voting in court.
- ** The Act would allow the Department of Justice and voters of color to challenge changes in a voting rule that would make voters of color worse off in terms of their voting rights than the status quo.
- ** The Act would expand authority for courts to “bail-in” jurisdictions to the preclearance process and would update the ability of jurisdictions to “bail-out” of the preclearance process once they demonstrate a record of not harming voters of color.
- ** The Act would grant the Department of Justice authority to compel the production of documents relevant to investigations of potential voting rights violations prior to filing an enforcement action.

** The U.S. Attorney General would have authority to request federal observers anywhere there is a serious threat of racial discrimination in voting.

** The Act would provide voters with additional protection by easing the standard for when courts can temporarily block certain types of voting changes while the change is under review in court. This is important because once a voter is discriminated against in an election, it cannot be undone.

Conclusion

When President Lyndon Johnson signed the Voting Rights Act of 1965, he declared the law a triumph and said: “Today we strike away the last major shackle of ... fierce and ancient bonds.”⁵ But 56 years later, the shackles of white supremacy still restrict the full exercise of our rights and freedom to vote.

For democracy to work for all of us, it must include us all. When certain communities cannot access the ballot and when they are not represented in the ranks of power, our democracy is in peril. The coordinated, anti-democratic campaign to restrict the vote targets the heart of the nation’s promise: that every voice and every eligible vote count. Congress must meet the urgency of this moment and pass the John Lewis Voting Rights Advancement Act. This bill will restore the essential provision of the Voting Rights Act that blocks discriminatory voting practices before they go into effect, putting a transparent process in place for protecting the right to vote. It will also restore other provisions to help bring down the barriers erected to silence Black, Brown, Native, young, and new Americans and ensure everyone has a voice in the decisions impacting our lives.

On March 7, 1965, just a few months before President Johnson would sign the Voting Rights Act into law, then 25-year-old John Lewis led more than 600 people across the Edmund Pettus Bridge to demand equal voting rights. State troopers unleashed brutal violence against the marchers. Lewis himself was beaten and bloodied. But he never gave up the fight. For decades, the congressman implored his colleagues in Congress to realize the promise of equal opportunity for all in our democratic process. Before his death, he wrote: “Time is of the essence to preserve the integrity and promises of our democracy.”⁶ **Members of this body must now heed his call with all the force they can muster and support the John Lewis Voting Rights Advancement Act.**

Sincerely,

The Leadership Conference on Civil and Human Rights
A. Philip Randolph Institute
ADL (Anti-Defamation League)
Advancement Project, National Office

⁵ <https://www.presidency.ucsb.edu/documents/remarks-the-capitol-rotunda-the-signing-the-voting-rights-act>

⁶ <https://web.archive.org/web/20200719053551/https://johnlewis.house.gov/media-center/press-releases/rep-john-lewis-demands-doj-action-anniversary-shelby-v-holder-decision>

AFL-CIO
African American Ministers In Action
Alliance for Justice
Alliance for Youth Action
American Association of People with Disabilities
American Association of University Women (AAUW)
American Atheists
American Civil Liberties Union
American Federation of State, County and Municipal Employees
American Federation of Teachers
American Humanist Association
American-Arab Anti-Discrimination Committee (ADC)
Americans for Democratic Action (ADA)
Arab American Institute (AAI)
Asian & Pacific Islander American Health Forum (APIAHF)
Asian Americans Advancing Justice - AAJC
Asian and Pacific Islander American Vote
Association of University Centers on Disabilities (AUCD)
Atlanta Grandmothers for Peace
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Bend the Arc Jewish Action: Champaign-Urbana
Bend the Arc: Jewish Action
Beth Tikvah Congregation Tzedek
Blue Wave Postcard Movement
BOLD ReThink
Brennan Center for Justice
Broward for Progress
Campaign Legal Center
Carolina for All
Center for American Progress
Center for Law and Social Policy (CLASP)
Center for Living & Working, Inc.
Center for the Study of Hate & Extremism - California State University, San Bernardino
Center for Worker Justice Of Eastern Iowa
CIAC
Citizens for Hope CS
Citizens for Responsibility and Ethics in Washington (CREW)
Clean Elections Texas
Clearinghouse on Women's Issues
Coalition on Human Needs
Code for America
Colorado Latino Leadership Advocacy and Research Organization

Common Cause
Communications Workers of America (CWA)
Community Catalyst
Community Change Action
Declaration for American Democracy
Defending Rights & Dissent
Delta Sigma Theta Sorority, Inc.
Demand Justice
DemCast USA
Democracy 21
Democracy Action Marin
Democracy for All 2021
Democracy Matters Institute
Demos
Disability Rights Education & Defense Fund
DoTheMostGood, Montgomery County, MD
Empowering Pacific Islander Communities (EPIC)
End Citizens United / Let America Vote Action Fund
Equal Citizens
Equal Justice Society
Evangelical Lutheran Church in America
Fair Count
Fair Elections Center
Fair Fight Action
FairVote
Faith Commons
Faith in Public Life
Family Equality
Feminist Majority Foundation
Fix Democracy First
Florida Rising
Franciscan Action Network
Free Speech For People
Freedom From Religion Foundation
Futures Without Violence
Government Accountability Project
Hip Hop Caucus
Hispanic Federation
Houston Area Urban League
Houston in Action
Howard Brown Health
Human Rights Campaign
Human Rights Watch

Impact Fund
Indivisible
Indivisible Marin
Indivisible Sausalito
Japanese American Citizens League
Jewish Council for Public Affairs
John Lewis Mobilize Hosts
Justice for Migrant Women
Justice in Aging
Labor Council for Latin American Advancement
Lambda Legal
LatinoJustice PRLDEF
Lawyers' Committee for Civil Rights Under Law
Leadership Conference of Women Religious
League of Conservation Voters
League of United Latin American Citizens
League of Women Voters of Georgia
League of Women Voters of the United States
Lift Our Vote
Louisiana Advocates for Immigrants in Detention
Mainers for Accountable Leadership
MALDEF (Mexican American Legal Defense and Educational Fund)
Matthew Shepard Foundation
Memphis APRI
Mi Familia Vota
Mid-Ohio Valley Climate Action
Missouri Voter Protection Coalition
Moore County NAACP
Movement Advancement Project
NARAL Pro-Choice America
National Action Network
National Association of Human Rights Workers
National Association of Social Workers
National Association of Social Workers - West Virginia Chapter
National Black Justice Coalition
National CAPACD- National Coalition for Asian Pacific American Community Development
National Coalition Delegation
National Council of Churches of Christ in the USA
National Council of Jewish Women
National Council of Jewish Women, Pennsylvania
National Council on Independent Living
National Disability Rights Network (NDRN)
National Education Association

National Hispanic Media Coalition
National LGBTQ Task Force Action Fund
National Partnership for Women & Families
National Rural Social Work Caucus
National Urban League
National Urban League Young Professionals
National Wildlife Federation
Native American Rights Fund
NETWORK Lobby for Catholic Social Justice
New Era Colorado
North Carolina Asian Americans Together
NRDC (Natural Resources Defense Council)
OCA Asian Pacific American Advocates
OCA Asian Pacific Islander American Advocates Utah
OCA Greater Chicago
OCA-Asian Pacific American Advocates Greater Cleveland Chapter
OCA-Great Phoenix Chapter
OCA-Greater Houston
OFA Marin
Our Vote Texas
Oxfam America
People For the American Way
People's Parity Project
PFLAG National
Planned Parenthood Action Fund
Planned Parenthood South Atlantic
Poder Latinx
Poverty & Race Research Action Council
Progressive Turnout Project
Project On Government Oversight (POGO)
Protect Democracy
Public Citizen
Rabbinical Assembly
RESULTS
Rise Up WV
SC Legislative Black Caucus
Scrutineers.org
Secure Elections Network
Service Employees International Union (SEIU)
Sierra Club
Sister District/Swing Left Marin
Sojourners
Southern Poverty Law Center Action Fund

Southwest Missouri Voter Protection Coalition
St Louis Chapter of JACL
Stand for Children
Stand Up America
State Voices
TASH
The Andrew Goodman Foundation
The League of Women Voters of Oregon
The National Vote
The New Pennsylvania Project
The Workers Circle
Transparency International — U.S. Office
True North Research
Union for Reform Judaism
Union of Concerned Scientists
Unitarian Universalist Association
Unitarian Universalist PEACE Fellowship of Raleigh
Urban League of Union County, Inc.
Voices For Progress
Vote.org
Voter Participation Center
Washington Bus
Women of Color Coalition
Women's March West Virginia
YWCA USA